

REMARKS

Claim Status

Upon entry of this amendment, claims 1 and 8 have been amended, claim 11 has been canceled, and claim 12 has been added; claims 1-6 and 8-12 remaining pending. It is believed that the amendments made herein do not introduce any new matter and are fully supported by the specification.

Oath/Declaration

It is alleged that the oath or declaration is defective. Upon review of the file history, it is respectfully submitted that a declaration was submitted with a supplemental application data sheet which provided the requisite information. A copy of the declaration and the supplemental application data sheet are provided again for the examiner's reference. It is respectfully submitted that the declaration is proper and any objection relating thereto should be withdrawn.

Specification

The specification has been amended as noted above to reference Figs. 3A and 3B. It is respectfully submitted that any objection relating thereto should be withdrawn.

35 USC 112

Claim 1-6 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, it is alleged that the term "the tracking process" does not have sufficient antecedent basis. Claim 1 has now been amended to provide sufficient antecedent basis for the term "tracking process". It is respectfully submitted that any rejection relating thereto should be withdrawn.

35 USC 102

Claims 1, 4 and 5 are rejected under 35 USC 102(b) as being anticipated by US Pat. No. 6,052,695 to Abe et al. With respect to claim 1, this claim has been amended to include the limitation that the event log is processed to eliminate one or more events stored therein that have been rendered irrelevant. The foregoing limitation is not disclosed or suggested by Abe et al. or

any of the other cited art. Eliminating one or more events stored in the event log is not the same as excluding some of the events from being stored in the event log. Therefore, it is respectfully submitted that claim 1 as amended is now patentable over the cited art.

With respect to claims 4 and 5, these claims depend, either directly or indirectly, from claim 1 and therefore at least derive their patentability therefrom. Hence, these claims are patentable over the cited art.

Claims 1, 4, 6 and 8-11 are rejected under 35 USC 102(b) as being anticipated by US Pat. No. 5,423,037 to Hvasshovd. With respect to claim 1, as noted above, this claim has been amended to include the limitation that the event log is processed to eliminate one or more events stored therein that have been rendered irrelevant. The foregoing limitation is not disclosed or suggested by Hvasshovd. To the contrary, as shown in Col. 5:44-47, Hvasshovd discloses that “[t]he records in the hot standby replica fragments are kept up to date by sending all log records produced by transactions from the node with the primary replica to the node with the corresponding hot standby replica.” Therefore, it is respectfully submitted that claim 1 as amended is patentable over the cited art.

With respect to claim 8, this claim has incorporated limitations from claim 11. As will be further discussed below in connection with claim 11, it is respectfully submitted that claim 8 is patentable over the cited art.

With respect to claims 4 and 6, these claims depend from claim 1 and therefore at least derive their patentability therefrom. Hence, these claims are patentable over the cited art.

With respect to claims 9 and 10, these claims depend, either directly or indirectly, from claim 8 and therefore at least derive their patentability therefrom. Hence, these claims are patentable over the cited art.

With respect to claim 11, it should be noted that this claim has been incorporated into claim 8. Therefore, the following discussion is applicable to claim 8 as noted above. It is alleged that Hvasshovd discloses that a secondary data site receives a series of events in an order different from the order of events in the original event log, and using the received different-order events to update data at the secondary data site. Further review of the cited excerpt, Col. 5:41-

55, does not support the Examiner's position. As noted in the cited excerpt, the "serialized log records are read and the corresponding table records updated at the node of the hot standby replica as an ongoing activity. ... operations represented by the log records are repeated at the node of the hot standby replica after checking the data table to make sure that those operations have not already been performed" The use of the term "serialized" discloses a particular order that is followed by the node of the hot standby replica. The serialized log records are received in the same order but may be checked to determine if they have been performed. However, that is not the same as receiving a series of log records in a different order. Furthermore, checking whether an operation has been performed is also not the same as receiving a series of log records in a different order. Therefore, claim 11, vis-à-vis, claim 8 is patentable over the cited art.

35 USC 103

Claims 2 and 3 are rejected under 35 USC 103(a) as being unpatentable over Hvasshovd and further in view of US Pub. No. 2004/0073887 by Leymann et al. These claims depend, either directly or indirectly, from claim 1 and therefore at least derive its patentability therefrom. Hence, these claims are patentable over the cited art.

Power of Attorney

Applicants previously submitted a Revocation Of Power Of Attorney, Appointment And Certification Under 37 C.F.R. 3.73(B) on December 1, 2004. However, correspondence from the U.S. Patent Office is still being forwarded to the previous attorneys (Townsend and Townsend and Crew, LLP) and the subject application has not yet been associated with our customer number (No. 31824). In this regard, we are resubmitting a copy of the previously filed Revocation Of Power Of Attorney, Appointment And Certification Under 37 C.F.R. 3.73(B). Accordingly, it is respectfully requested that the application be correctly associated with Customer No. 31824 and a Notice Of Acceptance Of Power Of Attorney be issued to McDermott Will & Emery LLP.

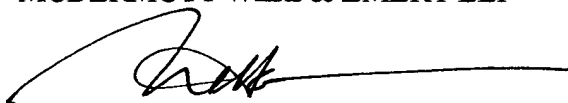
Serial No. 10/033,701

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at the telephone number provided below.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to be 'H. Ng', followed by a long horizontal line extending to the right.

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